

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED  
AUG 12 AM 11:13  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIF.

UNITED STATES OF AMERICA,

V.

*CR08-0272 SI*  
CELSO MARTEARENA-ARRIOLA

E-filing

DEFENDANT(S).

## SUPERSEDING INDICTMENT

VIOLATION:

Title 8, United States Code, Section 1326 - An Alien Deported after  
Conviction for an Aggravated Felony Found in the United States

A true bill.

*Angela M. Henderson*

Foreman

Filed in open court this 12<sup>th</sup> day of Aug. 2008

*Karen L. Hom*

KAREN L. HOM

Clerk

JOSEPH C. SPEER

UNITED STATES MAGISTRATE JUDGE

Bail, \$ no proven

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☒ SUPERSEDING
**OFFENSE CHARGED**
 Title 8 U.S.C., Section 1326 - An Alien Deported after  
 Conviction for an Aggravated Felony Found in the United  
 States (Class C Felony)

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony
**PENALTY:**
 Maximum Prison Term of 20 Years;  
 Maximum Fine of \$250,000;  
 Maximum Term of Supervised Release of 3 years;  
 Mandatory Special Assessment of \$100.

+

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

**DEFENDANT - U.S.**

▶ CELSO MARTEARENA-ARRIOLA

DISTRICT COURT NUMBER

CR 08-0272 SI

**E-filing****DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges ▶2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes  
 been filed? ☐ No

 If "Yes"  
 give date  
 filed
**DATE OF ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED TO U.S. CUSTODY**
 Month/Day/Year  
 4/16/2008
☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

☐ person is awaiting trial in another Federal or State Court,  
 give name of court

☐ this person/proceeding is transferred from another district  
 per (circle one) FRCrp 20, 21, or 40. Show District

☒ this is a reprosecution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW  
DOCKET NO.
☐ this prosecution relates to a  
 pending case involving this same  
 defendant
MAGISTRATE  
CASE NO.
☒ prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under

3-08-70222 JL

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Lara M. Kroop

**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☒ NO PROCESS\* ☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 \* Where defendant previously apprehended on complaint, no new summons or  
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

FILED  
08 AUG 12 AM 11:17  
RICHARD W. WHELAN  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CELSO MARTEARENA-ARRIOLA,

Defendant.

No. CR 08-0272 SI

VIOLATION: Title 8, United States  
Code, Section 1326 – An Alien Deported  
after Conviction for an Aggravated  
Felony Found in the United States

SAN FRANCISCO VENUE

SUPERSEDING INDICTMENT

The Grand Jury charges:

On or about November 29, 1994, November 14, 1995, August 7, 1998, June 21, 2001,  
and April 27, 2005, the defendant,

CELSO MARTEARENA-ARRIOLA,

an alien, was excluded, deported and removed from the United States, and thereafter, on or about  
April 9, 2008, was found in the Northern District of California, the Attorney General of the  
United States and the Secretary of Homeland Security not having expressly consented to a  
re-application by the defendant for admission into the United States, in violation of Title 8, United  
States Code, Section 1326.

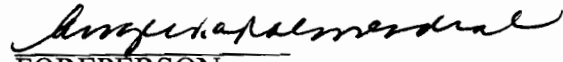
SUPERSEDING INDICTMENT

1 It is further alleged that the defendant was removed from the United States subsequent to  
2 the date of conviction for an aggravated felony.

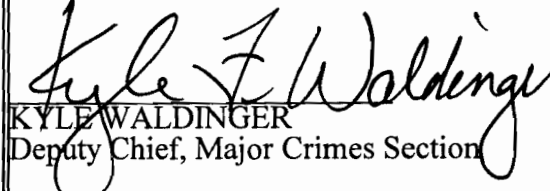
3 DATED:


A TRUE BILL.

4 8/12/08

5   
6 FOREPERSON

7 JOSEPH P. RUSSONIELLO  
8 United States Attorney

9   
10 KYLE WALDINGER  
11 Deputy Chief, Major Crimes Section

12 (Approved as to form: )

SAUSA KROOP

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SUPERSEDING INDICTMENT